



Delegated Report

Planning Application

Planning Application No: 20240913

Location: 356 Singlewell Road Gravesend Kent DA11 7RZ

Description: Retrospective change of use of land.

Applicant: Mr Bal Chattha

Site Visit Date: 07.11.24

Preliminary Matters

This application is for the change of use of a parcel of land within an area of open space to form additional residential garden area. This application is retrospective, as a fence has been erected around the land in question. According to the documents provided, this land is within KCC ownership, and a licence to occupy has been granted by KCC. However, it should be noted that this license has no bearing on the determination of this application, as planning permission would be required to change the use of the land.

Submitted Documents/Plans

Application Form;
Supplementary Information – Licence to Occupy;
Supplementary Information – Land Location;
Block Plan (received on 22.10.24); and
Site Location Plan (received on 22.10.24).

Relevant Planning History

Reference	Description	Decision	Decision Date
20071086	Outline application for erection of a detached five bedroom dwelling.	Permitted	05.02.2008
20070516	Details pursuant to outline planning permission reference no. GR/2004/814 relating to the siting, design, external appearance and landscaping for phases 2 and 3 of the development for a total of 134 residential units and comprising the erection of 16 detached two storey two, four and five bedroom dwellings some with detached or attached double garages; 5 pairs of two storey semi-detached two and three bedroom dwellings; 5 two storey terraces totalling 25 two bedroom dwellings and a two storey terrace of 5 two bedroom and 2 three bedroom dwellings; a semi-circular three storey terrace of 11 three bedroom dwellings with studies; a semi-circular three storey terrace of 5 three bedroom dwellings with studies and 8 two bedroom and 4 one bedroom self-contained	Permitted	10.10.2007

	flats; a three storey terrace of 12 two and three bedroom self-contained flats; 2 three storey buildings to provide a total of 18 two bedroom and 6 one bedroom self-contained flats; erection of a part three storey and part two storey building to provide 9 two bedroom and 3 one bedroom self-contained flats; formation of associated estate roads and laying out of associated car parking spaces; erection of a single storey building for sports changing facilities, provision of multi-use games area (MUGA) and laying out of associated car parking.		
20040814	Outline application for residential development for up to 210 residential units and for community uses including nursery, open space with changing facilities and car parking; alterations to existing access to Singlewell Road between numbers 306 and 322 Singlewell Road; use of vehicular access from Cedar Avenue to provide access to recreational facilities.	Permitted	01.08.2005

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS13 – Green Space, Sport and Recreation
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- LT6 – Additional Open Space In New Housing Developments

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 8 – Promoting Healthy and Safe Communities
- Section 12 – Achieving Well-Designed and Beautiful Places
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

- Gravesham Borough Council Open Space Assessment (2016)

Consultations, Publicity and Representations

Consultees

Local Ward Councillors

No comments received.

KCC Biodiversity

No comments received. However, KCC have advised verbally that Biodiversity Net Gain would not apply as the application is retrospective.

Neighbouring properties

Six surrounding properties were consulted, a site notice was displayed on 07.11.24 and one response was received neither objecting or in support of the proposal.

The response queries whether this application would set a precedent for the other properties along the boundary of the KCC land and raises that satellite imagery does not appear to show that the land in question is currently occupied.

Site Description and Context

The land in question is a parcel of land within an area that is designated as public open space, with sports facilities in the immediate vicinity. The open space is surrounded by residential development, with schools situated nearby. The Location Plan provided with this application identifies the land as being within KCC ownership:

356 Singlewell Road - Location Plan



The area of open space is also highlighted within the committee report for previously approved application 20070516. Earlier submissions for the site included plans for development between 332 and 354 Singlewell Road, however this was considered to be undesirable:

That application was reported to the meeting of the Regulatory Board on 23 March 2005 with a recommendation for permission subject to the resolution of the following matters through negotiations:-

- That the development on that part of the site fronting Singlewell Road between 332 and 354 be deleted and with a consequent reduction in the footprint of development.

The committee report indicates that over time, plans were revised to delete the aforementioned development:

However prior to the meeting a revised illustrative layout drawing was submitted. The application had been amended by,

1. the deletion of the development on that part of the site fronting Singlewell Road between 332 and 354 with the consequent reduction in the footprint of the development.

Additionally it was important for the land in question to be landscaped and maintained:

The Board noted the undertaking that there would be no detriment to existing community/leisure uses currently located on the site and that these could be enhanced. Officers were requested to bear the following in mind when finalising the conditions.

1. Affect of the development on local roads and the wider highway network.
2. That generally the height of development should be two storey but where three storeys are used they should not cover more than 20 per cent of the site.
3. The open land fronting Singlewell Road should be landscaped and maintained.
4. Responsibility for maintenance of the open land and the sports pitches/community facilities needs clarification.

The report goes on to state:

4. Development Plan

In the adopted Gravesham Local Plan First Review 1994 the site is not specifically notated. However policy LT3 relating to the policy for existing playing fields is relevant to consideration of this application. Policy LT3 states:

Policy LT3

Planning permission will not normally be granted for proposals which involve the loss of playing fields, whether that land consists of public or private playing fields, or playing fields used for educational purposes unless:

- (a) sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site; or
- (b) alternative provision of equivalent community benefit will be quickly made available; or
- (c) there is an excess of sport pitch provision and public open space in the area, taking account of the recreation and amenity value of such provision, including the contribution of the playing fields to the quality of the local environment.

The transport policies of the Local Plan are applicable (policies T1 and T5), together with parking policy P3 (policy for vehicle parking standards) and leisure policy LT6 (additional open space in new housing development).

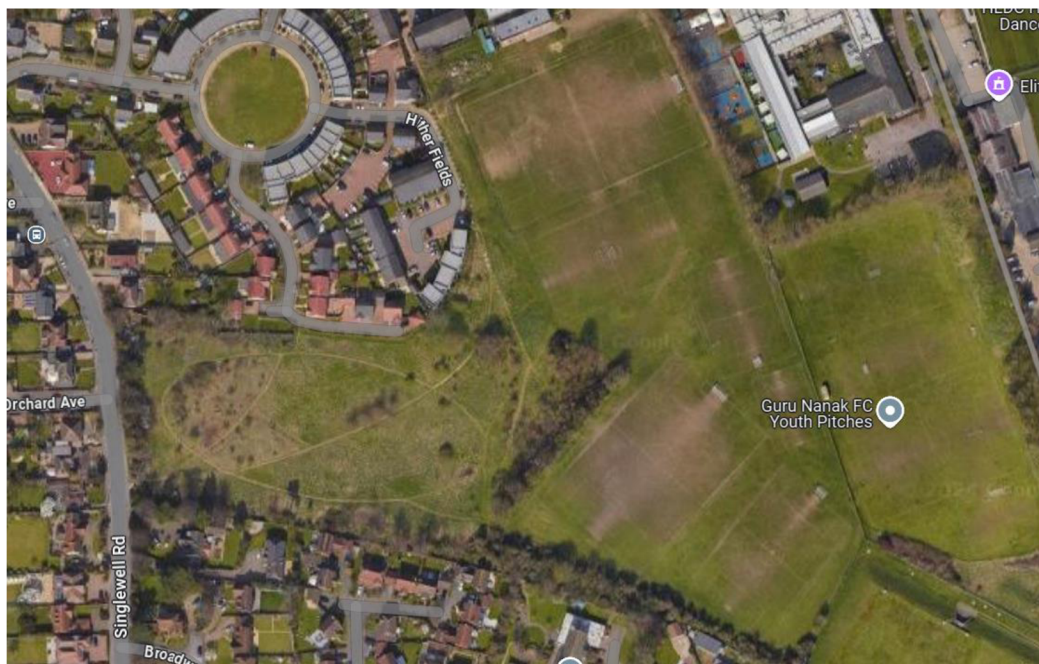
- *The playing fields attached to the school offer a valuable opportunity to address the current open space and sports pitch deficiency both in the local area and within the Borough as a whole. The site also forms part of the Green Grid network included in this Local Plan Review. The Green Grid covers school playing fields and open space, irrespective of public access and aims to protect and enhance areas such as this for the benefit of the community. Therefore, the loss of all the playing fields to development will be resisted by the Borough Council, with a view to securing their retention for the benefit of the local community and the wider area.*

The above sets out the planned form of the area, and reinforces the importance and benefits of open space for the wider community. The plans included with application 20070516, show the open space in situ:



This can be compared with a recent google aerial image of the site:

Google Aerial Image indicating the public open space



The plans for the area is described further within the design and access statement submitted for application 20070516:

**LANDSCAPE
AND
ENVIRONMENT
AND
PUBLIC REALM**

The green open areas will be enhanced. Many of the existing trees will be retained and new trees will be planted. The meadow will be reinstated, hedges maintained and grasses planted. The introduction of new species will encourage flora and fauna and increase the site's biodiversity.

The proposal is that much of the new planting and enhancements to the open space will be programmed in the first phase of the re development and so will be an "early win" for both new residents and neighbours.

The neighbouring community will also benefit from the improved community facilities. These will include the provision of natural play areas and a MUGA (Multi-use Games Area); enhanced playing fields and an extension to Kent Thameside's Green Grid by the introduction of new informal pathways and cycle routes across the site.

In addition, the decision notice included some conditions, relevant to the open space:

4 Full details of the soft landscaping including proposed new tree planting and managed planting areas and including details of types, species, numbers and sizes of plants shall be submitted to and approved in writing by the Local Planning Authority before the development commences, unless otherwise agreed in writing by the Local Planning Authority the landscaping scheme shall be implemented within the first planting season following the commencement of the development and thereafter maintained for a period of 5 years, the landscaping scheme shall include appropriately sized replacement trees for all those trees identified in the Babtie tree survey and schedule dated June 2004 accompanying the outline planning application GR/2004/0814 where it had been originally indicated that those trees could be retained but which are being removed pursuant to the approved master plan layout for phases 2 and 3

5 Full details of all boundary treatments to the house plots including the boundary treatments to the playing fields and meadow areas shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences, the development shall be carried out in accordance with the approved details

6 Notwithstanding the provisions of Article 3 of and Part 1 Class F, and Part 2 Classes A and B of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, or any provision equivalent to those classes in any order revoking or re-enacting that order, no additional hard surface for the purpose of parking a motor car, no additional means of access to a highway and no erection, construction or alteration to a gate, fence or other means of enclosure beyond that shown on the approved master plan layout drawing or as approved pursuant to condition 5 above, shall be carried out without the prior written permission of the Local Planning Authority having first been obtained

4 No such details have been submitted and in the interests of visual amenity

5 Incomplete details have been submitted and in the interests of visual amenity

6 In order to maintain a good standard of design and amenity, to maintain the open character of the estate and to ensure the proper planning of the area

Furthermore, the open space is identified in the Gravesham Borough Council Open Space Assessment at ID 59:

GRAVESHAM BOROUGH COUNCIL OPEN SPACE ASSESSMENT

Site ID	Site name	Analysis area	Settlement	Quality score	Value score
52	Doria Drive Open Space	Urban	Gravesend/ Northfleet	47.1%	16.8%
53	Dover Road East Open Space	Urban	Gravesend/ Northfleet	18.1%	11.6%
55	Durndale Open Space	Urban	Gravesend/ Northfleet	61.6%	51.6%
58	Fleetway Open Space	Urban	Gravesend/ Northfleet	53.3%	29.5%
59	Former Southfields School Site	Urban	Gravesend/ Northfleet	32.8%	11.6%
61	Foxwood Grove Open Space	Urban	Gravesend/ Northfleet	60.8%	40.0%
62	Franklin Road Open Space	Urban	Gravesend/ Northfleet	62.7%	17.9%
71	Harvel Village Green	Rural	Harvel	49.0%	21.1%
72	Haynes Road Open Space	Urban	Gravesend/ Northfleet	48.2%	33.7%
76	Hibernia Drive Open Space	Urban	Gravesend/ Northfleet	46.3%	28.4%

As such, it is clear that the current site is in use as open space, to the benefit of the community.

Site Photos from the Site Visit

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Officer's Analysis

Open Space

Planning Policy at a local and national level provide a strong basis for the retention of the site for open space.

Section 8 of The National Planning Policy Framework (NPPF) (2023) relates to the promotion of healthy and safe communities. It states the following at paragraph 96 (b) and (c):

Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*
- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

In addition, at paragraph 97 (a) and (c), the NPPF (2023) states:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

At paragraph 102, the NPPF (2023) indicates the importance of open space and recreation. It states, *Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.* Policy CS13 of the Gravesham Local Plan Core Strategy (LPCS) (2014) reflects these aims and at paragraph 5.8.7 states, *the Council will seek to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space, playing pitches and other sports facilities.*

Policy CS19 (LPCS) requires new development to be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, and integrate well with the surrounding local area. Public realm and open spaces should be maintained to ensure they endure.

The Design for Gravesham Design code (2024) at 6.7 highlights the importance of open spaces and green corridors. They play an important role in the creation of sustainable neighbourhoods and encourage healthy, social and cultural activity.

The NPPF (2023) seeks to protect existing open space, sport and recreational land. The section of the NPPF 2023, that has high significance in this regard, is paragraph 103 which states:

- 103. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

It therefore stands to be considered whether this proposal accords with national and local policies and guidance. As aforementioned above, the site was included in the April 2016 Open Space Assessment. Open space provides social, environmental and health benefits. The change of use from open space to residential garden would result in a loss of open space and would not provide alternative provision.

In dismissed enforcement appeal reference APP/F2415/C/17/3188404 (Appendix 1), the Inspector found that the change of use from open space to an extended residential garden would result in an 'unacceptable loss of public space.'

Overall, the change of use is considered to be detrimental to public interest and the loss of the open space carries significant weight in the determination of this application. The development would be contrary to Section 8 of the NPPF (2023), Policies CS13 and CS19 (LPCS) (2014.)

For the avoidance of doubt the principle loss of any open space at this site is not acceptable.

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well-designed and beautiful places) of the NPPF (2023) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character. Paragraph 139 Of the NPPF (2023) states; *'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'*.

Gravesham's Householder Extensions/Alterations Design Guidance (SPD) (2021) states *it is important to ensure that any extensions or alterations to a home are well designed, well-built and sympathetic to their surroundings*. The Design For Gravesham Design Code (2024) is a strategic document that sets out Gravesham's vision and expectation for quality place-making.

Detailed plans and elevations have not been provided with this enquiry. However, as indicated by the site photos, the fence has already been constructed around the parcel of land in question and therefore the design can be considered on this basis. The wooden fence, installed on concrete gravel boards, with concrete posts and an access gate does not integrate well with the surroundings. This, in part is due to the colour of the boundary treatment, which could potentially be altered to improve its appearance. However, this would not mitigate the height and projection of the development, which disrupts the boundary line and gives a very stark and obtrusive appearance within the area of open space.



Again, referencing back to dismissed enforcement appeal reference APP/F2415/C/17/3188404 (Appendix 1), the inspector similarly found that 'the fence surrounding the appeal site encloses this once open area of land resulting in harm to visual amenity and materially altering its open character.'

Overall, the proposal is considered to be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023.)

Amenity of Future Occupiers

The proposal would provide additional garden space. As such, the proposal would safeguard the amenity of future occupiers and would comply with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023) in this regard.

Neighbouring Amenity

The installation of the fence in situ is not considered to detrimentally impact neighbouring amenity. As such, the proposal would safeguard the amenity of neighbouring properties and would comply with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023) in this regard.

Parking and Highways

The proposal raised no concerns in terms of highways and parking.

Biodiversity

As aforementioned in this report, biodiversity net gain is not required as the development has already been carried out. As such, there are no concerns in terms of biodiversity.

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

It is noted that the amenity of future occupiers and neighbouring amenity would be safeguarded as a result of the development, however this forms a neutral balance that does not weigh in favour of the proposal.

The development is considered to be detrimental to the character and appearance of the open space. As such, the proposal would be contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (2023). Furthermore, the loss of the open space to provide additional garden area is not justified, mitigated or outweighed by other considerations. As such, the development is contrary to Section 8 of the National Planning Policy Framework (2023), and Policies CS13 and CS19 of Gravesham's Local Plan Core Strategy (LPCS) (2014).

Recommendation

Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	5th December 2024	Dated:	9th December 2024